

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)

RIVER VALLEY FINANCIAL BANK)
Madison, Indiana)

OTS Docket No.: 01856)

Order No.: **ATL-2004- 27**

ATL-2004-28

Date: **September 27, 2004**

**STIPULATION AND CONSENT TO THE ISSUANCE OF AN
ORDER TO CEASE AND DESIST FOR AFFIRMATIVE RELIEF
AND AN ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES**

WHEREAS, the Office of Thrift Supervision (OTS), based upon information derived from the exercise of its regulatory responsibilities, is of the opinion that grounds exist to initiate an administrative cease and desist proceeding for affirmative relief and the assessment of a civil money penalty against River Valley Financial Bank, Madison, Indiana, OTS Docket No. 01856 (River Valley or Bank) pursuant to Sections 8(b) and (i) of the Federal Deposit Insurance Act (FDIA), 12 U.S.C. § 1818(b) and (i),¹ and Section 102 of the Flood Disaster Protection Act of 1973 (FDPA), 42 U.S.C. § 4012a(f); and

WHEREAS, River Valley desires to cooperate with the OTS and to avoid the time and expense of such administrative proceeding, and

WHEREAS, River Valley enters into this Stipulation and Consent to Issuance of an Order to Cease and Desist For Affirmative Relief and an Order of Assessment of Civil Money Penalties (Stipulation) (i) without any adjudication on the merits, (ii) without

¹ All references to the United States Code (U.S.C.) are as amended, unless otherwise indicated.

admitting or denying that grounds exist to initiate an administrative cease and desist proceeding, (iii) without admitting or denying the Findings of Fact, except as to Jurisdiction (Paragraph 1 below), which jurisdiction is admitted, and (iv) solely for the purpose of settling this matter in accordance with Rule 408 of the Federal Rules of Evidence and equivalent state provisions.

NOW, THEREFORE, on these premises, River Valley hereby stipulates and agrees as follows:

1. Jurisdiction.

a. River Valley is a “savings association” within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b), and Section 2(4) of the Home Owners’ Loan Act (HOLA), 12 U.S.C. § 1462(4). Accordingly, River Valley is an “insured depository institution” as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

b. Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q), the Director of the OTS is the “appropriate Federal Banking agency” with jurisdiction to maintain an administrative cease and desist proceeding and to assess civil money penalties against such a savings association. Therefore, the Bank is subject to the jurisdiction of the OTS to initiate and maintain cease and desist and civil money penalty assessment proceedings against it pursuant to Sections 8(b) and (i) of the FDIA, 12 U.S.C. §§ 1818(b) and (i). The Director of the OTS has delegated to the Regional Director of the Southeast Region of the OTS or his/her designee (Regional Director) the authority to issue cease and desist orders and civil money penalty assessment orders where the association has consented to the issuance of the orders.

c. River Valley is a “regulated lending institution” within the meaning of Section 3(a)(10) of the FDPA, 42 U.S.C. § 4003(a)(10).

d. The OTS is the “appropriate Federal entity for lending regulation” within the meaning of Section 3(a)(5) of the FDPA, 42 U.S.C. § 4003(a)(5). For purposes of enforcing Section 102 of the FDPA, 42 U.S.C. § 4012a, against such an institution, the OTS has jurisdiction over River Valley and the subject matter of this administrative enforcement proceeding.

2. OTS Findings of Fact.

a. The OTS finds that River Valley, in cooperation with the OTS, has proposed to make and has already made substantial corrective actions and changes to improve its compliance program and systems (Compliance Program) following the issuance of the OTS February 9, 2004 Report of Examination (2004 Examination), which cited the Bank for statutory and regulatory violations, as well as deficiencies in the Bank’s Compliance Program.

b. The OTS finds that the Bank has engaged in certain unsafe and unsound practices and violated various laws and regulations to which the Bank is subject, as outlined in detail in the 2004 Examination. Such violations and Compliance Program deficiencies include those related to the Bank Secrecy Act (BSA),² the FDPA,³ the Homeowners Protection Act (HOEPA),⁴ and the Truth in Lending Act (TILA).⁵ Notwithstanding the Bank’s cooperation and corrective actions, the OTS has determined

² 31 U.S.C. § 5301 et seq.

³ 42 U.S.C. § 4001 et seq.

⁴ 12 U.S.C. § 4903 et seq.

⁵ 15 U.S.C. § 1601 et seq.

that additional action is required to fully address and correct the regulatory violations and deficiencies noted in the Bank's Compliance Program.

c. River Valley has failed to comply with the FDPA⁶ and the OTS implementing regulations, 12 C.F.R. Part 572. Specifically, the OTS finds that the Bank (i) failed to obtain or maintain adequate flood insurance coverage as required by Section 102(e) of the FDPA, 42 U.S.C. § 4012a(e) and 12 C.F.R. § 572.3(a); (ii) failed to timely complete and retain copies of standard flood hazard determination forms as required by 12 C.F.R. § 572.6(b); and (iii) failed to provide flood notices to borrowers and loan servicers as required by Section 102(e)(1) of the FDPA, 42 U.S.C. § 4012a(e)(1) and 12 C.F.R. § 572.9(a). One or more of the above violations were present in each of four (4) loans. The OTS finds that the above-described actions constitute a pattern or practice of violations under Section 102(f)(1) of the FDPA, 42 U.S.C. § 4012a(f)(1). Accordingly, the OTS believes that a civil money penalty of One Thousand Four Hundred Dollars (\$1,400.00) should be assessed under the FDPA.

3. Consent.

River Valley consents to the issuance by the OTS of the accompanying Consent Order to Cease and Desist for Affirmative Relief (C&D Order) and the accompanying Order of Assessment of Civil Money Penalties (CMP Order) (both Orders sometimes collectively referred to as "the Orders"). The Bank further agrees to comply with the terms of the Orders upon issuance and stipulates that the Orders comply with all requirements of law.

⁶ 42 U.S.C. § 4001 – 4128.

4. Finality.

The Orders are issued pursuant to Sections 8(b) and (i) of the FDIA, 12 U.S.C. §§ 1818(b) and (i), and Sections 102(f)(1) and 102(f)(5) of the FDPA, 42 U.S.C. §§ 4012a(f)(1) and (f)(5). Upon their issuance by the Regional Director, each shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i) and Section 102(f) of the FDPA, 42 U.S.C. § 4012a(f).

5. Waivers.

River Valley waives the following:

- a. the right to be served with a written notice of the OTS's charges against it as provided by Section 8(b) of the FDIA, 12 U.S.C. § 1818(b), and the right to be served with any written notice of the OTS's assessment of civil money penalties against it as provided by Section 8(i) of the FDIA, 12 U.S.C. § 1818(i); Section 102(f)(4) of the FDPA, 42 U.S.C. § 4012a(f)(4); and 12 C.F.R. Part 509;
- b. the right to an administrative hearing of the OTS's charges against it as provided by Sections 8(b) and (i) of the FDIA, 12 U.S.C. § 1818(b) and (i);
- c. the right to seek judicial review of the C&D Order or the CMP Order or both, including, without limitation, any such right provided by Section 8(h) or (i) of the FDIA, 12 U.S.C. §§ 1818(h) and (i), or otherwise to challenge the validity of the Orders;
- d. any and all claims against the OTS, including its employees and agents, and any other governmental entity for the award of fees, costs or expenses related to this OTS enforcement matter and/or the Orders, whether arising under common law, the Equal Access to Justice Act, 5 U.S.C. § 504, or 28 U.S.C. § 2412; and

e. the right to assert this proceeding, its consent to the issuance of the Orders or the issuance of the Orders, as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other governmental entity.

6. Other Governmental Actions Not Affected.

a. Upon the OTS's issuance of the accompanying Orders, following the OTS's acceptance of this Stipulation executed by River Valley, the OTS does release and discharge River Valley from all potential claims and charges that have been or might have been asserted by the OTS, based upon the alleged violations described in the Findings of Fact set forth in Paragraph 2 of this Stipulation, to the extent known to the OTS as of the effective date of the accompanying Orders. However, the violations alleged above in Paragraph 2 of this Stipulation may be utilized by the OTS in future enforcement actions to establish a pattern or practice of violations or the continuation of a pattern or practice of violations. This release shall not preclude or affect any right of the OTS to determine and ensure compliance with the terms and provisions of this Stipulation and the accompanying Orders.

b. River Valley acknowledges and agrees that its consent to the issuance of the accompanying Orders is solely for the purpose of resolving certain potential OTS administrative charges as provided by Paragraph 6(a) above, and does not otherwise release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, liability, or other administrative, civil, or criminal proceeding that may arise pursuant to this action or otherwise, and that may be or have been brought by the OTS or another governmental entity.

7. Reservation of Rights.

River Valley acknowledges that the OTS reserves the right to bring such additional action(s), charge(s), or proceeding(s) arising from or related in any way to the Findings of Fact or any other matter, as the OTS deems appropriate, in its sole discretion.

8. Agreement for Continuing Cooperation.

River Valley agrees that, on reasonable notice and without service of a subpoena, it will promptly respond to any written request from the OTS for documents that the OTS reasonably requests to demonstrate compliance with the Orders. River Valley agrees to cooperate with the OTS or any other federal agency in any review requested by the OTS or any other federal government agency, or in any investigation, litigation, or other proceeding relating to River Valley, its holding company, subsidiaries, service corporations, or institution-affiliated parties.

9. Miscellaneous.

a. The construction and validity of this Stipulation and the Orders shall be governed by the laws of the United States of America.

b. If any provision of this Stipulation and the Orders is ruled to be invalid, illegal, or unenforceable by the decision of any Court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby, unless the Regional Director in his or her sole discretion determines otherwise.

c. All references to the OTS in this Stipulation and the Orders shall also mean any of the OTS's predecessors, successors, and assigns.

d. The section and paragraph headings in this Stipulation and the Orders are for convenience only, and such headings shall not affect the construction or interpretation of this Stipulation or the Orders.

e. The terms of this Stipulation and the Orders represent the final agreement of the parties with respect to the subject matters hereof and constitute the sole agreement of the parties with respect to such subject matters.

f. This Stipulation and the Orders shall remain in effect until terminated, modified, or suspended in writing by the OTS, acting through its Director, Deputy Director, Regional Director, or other authorized representative.

9. Signature of Directors.

Each Director signing this Stipulation attests that he/she voted in favor of a resolution authorizing the execution of the Stipulation.

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WHEREFORE, River Valley, by a majority of its directors, executes this

Stipulation intending to be legally bound hereby.


RIVER VALLEY FINANCIAL BANK

Accepted by a majority of its directors:

OFFICE OF THRIFT SUPERVISION

By: 

Director



John E. Ryan
Regional Director


Director

Dated: 


Director


Director


Director


Director


Director

UNITED STATES OF AMERICA
Before the
OFFICE OF THRIFT SUPERVISION

In the Matter of)

RIVER VALLEY FINANCIAL BANK)
Madison, Indiana)

OTS Docket No.: 01856)
_____)

Order No.: **ATL-2004- 28**

Date: **September 27, 2004**

CONSENT ORDER TO CEASE AND DESIST FOR AFFIRMATIVE RELIEF

WHEREAS, River Valley Financial Bank, Madison, Indiana, OTS Docket No. 01856, (River Valley or Bank), by and through its Board of Directors (Board), has executed a Stipulation and Consent to the Issuance of an Order to Cease and Desist for Affirmative Relief and an Order of Assessment of Civil Money Penalties (Stipulation); and

WHEREAS, River Valley, by its execution of the Stipulation, has consented and agreed to the issuance of this Consent Order to Cease and Desist for Affirmative Relief (C&D Order) by the Office of Thrift Supervision (OTS), pursuant to Section 8(b) of the Federal Deposit Insurance Act (FDIA), 12 U.S.C. § 1818(b)¹; and

WHEREAS, the Director of the OTS has delegated to the Regional Directors of the OTS the authority to issue consent orders on behalf of the OTS pursuant to provisions of Section 8 of FDIA, 12 U.S.C. § 1818.

¹ All references to the United States Code (U.S.C.) are as amended.

NOW, THEREFORE, IT IS ORDERED THAT:

Compliance With Laws and Regulations.

1. The Bank and its directors, officers, employees, and agents shall cease and desist from any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling or the aiding and abetting of any violation of:
 - a. the Currency and Foreign Transactions Reporting Act, as amended by the USA Patriot Act and other laws (the Bank Secrecy Act or BSA), 31 U.S.C. §§ 5311 et seq., and the related BSA regulations issued by the U. S. Department of the Treasury, 31 C.F.R. §§ 103.11 et seq., and the OTS, 12 C.F.R. § 563.177 (collectively with the aforementioned laws and regulations, the BSA Laws and Regulations);
 - b. the Flood Disaster Protection Act, 42 U.S.C. § 4001 et seq. (FDPA) and the FDPA regulations issued by the OTS at 12 C.F.R. § 572;
 - c. the Homeowners Protection Act, 12 U.S.C. § 4903 et seq. (HOEPA) et seq.;
 - d. the Truth in Lending Act, 15 U.S.C. § 1601 et seq. (TILA), and the TILA regulations issued by the Federal Reserve Board at 12 C.F.R. Part 226; and
 - e. the OTS regulations regarding the filing of Suspicious Activity Reports (SARs) at 12 C.F.R. § 563.180.

Effective Anti-Money Laundering/BSA Compliance Program.

2. The Board shall strengthen the Bank's Anti-Money Laundering and BSA Compliance Program (BSA Compliance Program) as follows:
 - a. Effective immediately, the Board shall review and amend the Bank's BSA policies and procedures (BSA Policy) to comply with the BSA Laws and Regulations. The BSA Policy shall:
 - i. designate a member of management to serve as the BSA Officer and actively manage, coordinate and monitor the Bank's day-to-day

compliance with the BSA Laws and Regulations and the Bank's BSA Compliance Program;

- ii. establish procedures to ensure that known or suspected criminal activity against or involving the Bank, including transactions that are or appear to be structured to evade or circumvent the BSA requirements, are detected and reported, in an accurate and complete manner, to law enforcement and supervisory authorities by the filing of a Suspicious Activity Report (SAR), as required by the suspicious activity reporting provisions of 12 C.F.R. § 563.180(d) and 31 C.F.R. § 103.18 (collectively the SAR Regulations); and
 - iii. require quarterly reports to the Board demonstrating the Bank's compliance with its BSA Policy, BSA Compliance Program and the BSA Laws and Regulations.
- b. Effectively immediately, the Bank shall ensure that all Currency Transaction Reports (CTRs) and SARs are accurately completed and timely filed with the appropriate agencies by registered or certified mail with return receipts requested.
 - c. Within ninety (90) days after the Effective Date of this C&D Order, the Bank shall ensure that all CTRs are accurately completed and electronically filed with the appropriate regulatory and supervisory agencies in a timely manner.
 - d. Within ninety (90) days after the Effective Date of this C&D Order, the Bank shall review its records from January 1, 2003, forward to ensure that all CTRs and SARs have been filed as required by law and regulation. The Bank shall immediately file with the appropriate law enforcement and regulatory agencies any CTRs or SARs that were not timely filed. Management shall prepare and provide to the Board a report detailing the results of the Bank's review (CTR/SAR Report). The CTR/SAR Report shall identify the total number of CTRs and SARs filed during the review period and specify those CTRs and SARs that were not timely filed. A copy of the CTR/SAR Report and the Board minutes detailing the Board's review shall be provided to the

Regional Director within ten (10) days after the date of the Board meeting at which the CTR/SAR Report is reviewed.

- e. Effective immediately, the Board shall require all independent testing of the Bank's BSA Compliance Program to be conducted by a qualified independent third party² with knowledge of the BSA Laws and Regulations and experience in compliance with the requirements imposed by the BSA Laws and Regulations. The independent testing shall comprehensively review the association's BSA risk-assessment; the association's internal controls for preventing money laundering and terrorism financing; and the association's compliance with the BSA Policy, the BSA Compliance Program, and the BSA Laws and Regulations. The Board shall ensure that the scope of the testing procedures to be performed consider the examination procedures established by the OTS and set forth in Section 400 of the OTS Compliance Activities Handbook (CAH) and that the findings and results of the testing are thoroughly and accurately documented.
- f. Within thirty (30) days after the Effective Date of this C&D Order, the Board shall amend the Bank's BSA Compliance Program to prohibit any exemptions from BSA for any business or company that is not in good standing with its primary state licensing authority or that is subject to an enforcement action or reprimand from such authority.

BSA Compliance Program Staffing and Resources.

3. The Board shall ensure that:

- a. the Bank's designated BSA Officer has sufficient authority, competency, time, staff (which may include outsourced staff) and resources to perform his/her assigned BSA responsibilities on a day-to-day basis; and
- b. the Bank's designated Compliance Officer, who must be a different individual than the Bank's BSA Officer, shall review all CTRs for accuracy and timeliness.

² Such third parties include the Bank's external auditors or consultants.

BSA/SAR Training.

4. Within sixty (60) days after the Effective Date of this C&D Order, the Board shall develop, implement, and thereafter ensure the Bank's adherence to a comprehensive training program for all appropriate operational and supervisory personnel to ensure their awareness of their responsibility for compliance with the requirements of (i) the BSA Laws and Regulations, and (ii) the SAR Regulations (BSA Training Program).
5. The BSA Training Program should include strategies for mandatory attendance, the frequency of training, procedures and timing for updating training programs and materials including a thorough review of previously identified violations and deficiencies and the method for delivering training.
6. The Bank shall maintain documentation of all BSA training attended by its employees.

Flood Disaster Protection Act.

7. Within sixty (60) days after the Effective Date of this C&D Order, the Board shall review and amend the Bank's FDPA policies and procedures (FDPA Policy) to ensure the Bank fully complies with the FDPA and the OTS regulations at 12 C.F.R. Part 572 (collectively, the FDPA Laws and Regulations). The FDPA Policy shall establish a system to ensure that appropriate flood insurance is obtained and maintained on all property securing a loan from the Bank and that all flood determinations and notices are accurately and timely completed and made.
8. Within ninety (90) days after the Effective Date of this C&D Order, the Board shall review all loans made on or after June 17, 2002, to ensure that all loans subject to the FDPA Laws and Regulations fully comply with the requirements of such laws and regulations. The Bank shall promptly correct any deficiencies or non-compliance with the FDPA Laws and Regulations. Management shall prepare and provide to the

Board a report detailing the results of the Bank's review (FDPA Report). The FDPA Report shall list all loans subject to the FDPA Laws and Regulations, identify those loans with deficiencies or otherwise found to be in non-compliance with the FDPA Laws and Regulations, and specify the corrective action taken to remedy such deficiencies and non-compliance. A copy of the FDPA Report and the Board minutes detailing the Board's review shall be provided to the Regional Director within ten (10) business days after the date of the Board meeting at which the FDPA Report is reviewed.

Truth in Lending.

9. Within thirty (30) days after the Effective Date of this C&D Order, the Board shall amend its policies and procedures governing compliance with the Truth in Lending Act, 15 U.S.C. § 1601 et seq., and Regulation Z, 12 C.F.R. Part 226 to ensure full compliance with the TILA and Regulation Z by requiring the use of an appropriate adjustable rate mortgage (ARM) index, timely and accurate interest rate adjustments to ARM loans, and the provision of accurate and timely ARM disclosures to borrowers.
10. Within ninety (90) days after the Effective Date of this C&D Order, the Board shall review all ARM loans made on or after August 1, 2001, to determine if reimbursement is required as a result of overcharges. The Bank shall promptly correct any deficiencies or non-compliance with TILA and Regulation Z and make any required reimbursements to borrowers. Management shall prepare and provide to the Board a report detailing the results of the Bank's review (TILA Report). The TILA Report shall identify all loans with deficiencies or otherwise found to be in non-compliance with the TILA and Regulation Z and specify the corrective action taken to remedy such deficiencies and non-compliance. A copy of the TILA Report and the Board minutes detailing the Board's review shall be provided to the Regional Director within ten (10) days after the date of the Board meeting at which the TILA Report is reviewed.

HomeOwners Protection Act.

11. Effective immediately, the Bank shall comply with the requirements of the Homeowners Protection Act, 12 U.S.C. § 4903 et seq. (HOEPA), by providing borrowers with the required initial and annual private mortgage insurance disclosures. Such disclosures shall contain all information required by the HOEPA.

Asset Quality.

12. Effective immediately, the Bank shall revise its Loan Review Policy and Program (Loan Policy), as adopted by the Board on April 16, 2002, to address the deficiencies noted in the Bank's February 9, 2004 Report of Examination (2004 Examination). Thereafter, the Bank shall comply with the Loan Policy, including the performance of all internal loan reviews required by the Loan Policy. Such reviews shall include analysis and review of commercial loans, as appropriate, and large or major credit relationships. The loan files shall contain documentation of the reviews performed, including any necessary updated financial information from the borrowers.
13. Within sixty (60) days after the Effective Date of this C&D Order, the Board shall revise the Classification of Assets Policy consistent with the directions set forth in the Bank's 2004 Examination. The Board shall establish a process for reviewing and classifying assets and designate a person or persons independent of the lending department who shall be responsible for final asset classification decisions.
14. Within sixty (60) days after the Effective Date of this C&D Order, the Board shall require Management of the Bank to identify and report to the Board all loans that exceed the supervisory loan to value ratios set forth in 12 C.F.R. § 560.101. Thereafter, Management shall provide the Board with quarterly reports indicating the

Bank's compliance with the limits on such loans as established by the Board and required by Section 560.101.

Appraisals.

15. Within sixty (60) days after the Effective Date of this C&D Order, the Board shall prepare and adopt appraisal policies and procedures (Appraisal Policy) that comply with the requirements of 12 C.F.R. § 564.8 and the comments contained in the 2004 Examination. The Appraisal Policy shall require Management to annually review appraiser performance for compliance with the Appraisal Policy and the reasonableness of the value estimates reported. The Board shall ensure that Management implements and complies with the Appraisal Policy adopted by the Board.

Board Compliance Committee.

16. Within thirty (30) days of the Effective Date of this C&D Order, the Board shall appoint a committee (the Regulatory Compliance Committee) comprised of three or more directors, the majority of whom shall be independent of Management, to monitor and coordinate the Bank's compliance with the provisions of this C&D Order.
17. By December 31, 2004, and thereafter within thirty (30) days after the end of each calendar quarter, the Regulatory Compliance Committee shall submit a written progress report to the Board detailing the actions taken to comply with each provision of this C&D Order and the results of those actions (Regulatory Compliance Report).
18. By January 30, 2005, and thereafter within sixty (60) days after the end of each calendar quarter, the Board shall submit to the Regional Director: (i) a copy of the Regulatory Compliance Report required by Paragraph 17 above, with any additional

comments made by the Board, to the Regional Director; and (ii) a written certification that each Director has reviewed the Regulatory Compliance Report.

Definitions.

19. All technical words or terms used in this C&D Order for which meanings are not specified or otherwise provided by the provisions of this C&D Order shall, insofar as applicable, have meanings as defined in Chapter V of Title 12 of the Code of Federal Regulations, the Home Owners' Loan Act (HOLA), the FDIA, OTS Memoranda or other published OTS guidance. Any such technical words or terms used in this C&D Order and undefined in said Code of Federal Regulations, the HOLA, the FDIA, or OTS Memoranda/guidance shall have meanings that are in accordance with the best custom and usage in the savings and loan industry.

Successor Statutes, Regulations, Guidance, Amendments.

20. Reference in this C&D Order to provisions of statutes, regulations, OTS Memoranda, and other published regulatory guidance shall be deemed to include references to all amendments to such provisions as have been made as of the Effective Date and references to successor provisions as they become applicable.

No Violations Authorized; OTS Not Restricted.

21. Nothing in this C&D Order or the Stipulation shall be construed as: (a) allowing the Bank to violate any law, rule, regulation, or policy statement to which it is subject, or (b) restricting or estopping the OTS from taking any action(s) that it believes are appropriate in fulfilling the responsibilities placed upon it by law including, without limitation, any type of supervisory, enforcement or other action that the OTS determines to be appropriate, arising out of matters described in the most recent Report of Examination, or based on other matters.

Time Limits; Effect of Headings; Separability Clause; Stipulation Incorporated.

22. Time limitations for compliance with the terms of this C&D Order run from the Effective Date, unless otherwise noted.
23. The section and paragraph headings herein are for convenience only and shall not affect the construction hereof.
24. In case any provision in this C&D Order is ruled to be invalid, illegal or unenforceable by the decision of any court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby, unless the Regional Director in his/her sole discretion determines otherwise.
25. The Stipulation is made a part hereof and is incorporated herein by this reference.

Effective Date; Duration.

26. This C&D Order is and shall become effective on the date it is issued, i.e., the Effective Date as shown on the first page hereof. This C&D Order (including the related Stipulation) shall remain in effect until terminated, modified or suspended, in writing by the OTS, acting through its Director, Regional Director or other authorized representative.

OFFICE OF THRIFT SUPERVISION

By: 
John E. Ryan
Regional Director